

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**Asociacion de Empleados del Estado Libre  
Asociado de Puerto Rico,**

**Respondent Employer,**

**and**

**Case No. 12-CA-218502 &  
Case No. 12-CA-232704**

**Union Internacional de Trabajadores de la  
Industria de Automoviles, Aeroespacio e  
Implementos Agricolas, U.A.W. Local 1850,**

**Charging Party Union.**

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**CHARGING PARTY UNION’S MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR RECONSIDERATION AND/OR CLARIFICATION**

Pursuant to Rule 102.2(c) of the Board’s Rules and Regulations, the Charging Party Union (the “Union”) in the above-captioned case (the “Case”), by its undersigned counsel, requests an extension of time to and including March 25, 2021, for the filing of a motion for reconsideration and/or clarification of the January 14, 2021 Decision and Order of the National Labor Relations Board (the “Labor Board”) in this Case. In support thereof, the Union state as follows:

1. On January 14, 2021, the Labor Board, in a 2-1 Decision and Order (the “Decision”), overruled its Administrative Law Judge and dismissed the complaint issued by the General Counsel in this Case.

2. On February 3, 2021, the Union retained the undersigned counsel, Michael Nicholson of Ann Arbor, Michigan, to advise the Union as to the appropriateness of any further litigation herein, including the appropriateness of filing a motion with the Labor Board for reconsideration and/or clarification of its Decision in this Case. Mr. Nicholson has been a labor attorney since 1977 and has frequently represented clients in NLRA litigation before the Labor Board, and before the United States Supreme Court and the United States Courts of Appeal for the First, Second, Third, Fourth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and District of Columbia Circuits, and is admitted to practice in each such court.

3. Section 102.48(c) of the Labor Board's Rules and Regulations provides for the filing of motions for reconsideration of, *inter alia*, decisions and orders of the Labor Board and sets certain requirements for such motions, including appropriate record citations. Further, Section 102.48(c)(2) of the Labor Board's Rules and Regulations requires that "any motion pursuant to this section must be filed within 28 days, or such further period as the Board may allow, after service of the Board's decision and order...". In this Case, such 28<sup>th</sup> day is February 11, 2021.

4. The Labor Board's Rules and Regulations, including its Section 102.49, and Labor Board practice also provide that the Labor Board may clarify or otherwise modify its decisions and orders at any time "until a transcript of the record is filed in a court...". No other deadlines for the filing of motions or other

requests for clarification or modification are established by the Labor Board's Rules and Regulations. And no record in this Case has been filed with any court.

5. The undersigned counsel has not previously participated in this Case or advised the Union with respect it. The undersigned counsel also does not currently have in his possession any part of the record in this case, other than the Labor Board's Decision and Order and the underlying decision of the Administrative Law Judge. He has requested that the same be compiled and sent to him by the counsel who represented the Union through the issuance of the Labor Board's Decision on January 14, 2021.

6. The extension of time requested herein is reasonable and necessary in order for the undersigned counsel to (a) obtain the full record in this Case, (ii) review that record, (iii) properly conduct any necessary legal research, and (iv) to then advise the Union as to the appropriateness of filing any motion for reconsideration and/or clarification of the Labor Board's Decision.

7. On February 4, 2021, the undersigned counsel for the Union twice telephonically contacted the office of the two counsel for the Respondent-Employer in this matter seeking their client's consent to the extension of time requested by this Motion, and also emailed a draft of this motion with a further request for such consent. Counsel for the Respondent-Employer have, as of the time of this filing, not responded to these requests for consent to this motion for an extension of time.

WHEREFORE, the Charging Party Union requests that the Labor Board grant its motion for an extension of time to and including March 25, 2021, for the filing of a motion for reconsideration and/or clarification of the January 14, 2021 Decision and Order of the Labor Board in this matter.

February 4, 2021

Respectfully submitted,

s/ *Michael Nicholson*

Michael Nicholson

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Counsel for the Charging Party Union

**Certificate of Service**

The undersigned counsel hereby certifies that on February 4, 2021 he served his Notice of Appearance in this matter and also the foregoing **CHARGING PARTY UNION'S MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR RECONSIDERATION AND/OR CLARIFICATION** upon each of the following by email to the addresses indicated for each:

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*s/ Michael Nicholson*